

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NUNZIO CALCE; ALLEN CHAN; SHAYA
GREENFIELD; AMANDA KENNEDY;
RAYMOND PEZZOLI; SECOND AMENDMENT
FOUNDATION; and FIREARMS POLICY
COALITION, INC.,

No. 21-cv-8208 (ER)

Plaintiffs,

-against-

CITY OF NEW YORK; and EDWARD A.
CABAN, in his official capacity as Commissioner
of the New York City Police Department,

Defendants.

DECLARATION OF DAVID D. JENSEN, ESQ.

I, David D. Jensen, declare as follows:

1. I am counsel for the Plaintiffs in this action. I am over 18 years of age and am competent to testify on my own behalf.
2. This declaration provides the Court with documents and other records the motion papers the motion papers reference, which are not readily available from Westlaw and Lexis or from non-paywall online resources.
3. Exhibit 1 is a document that shows data obtained from the City of New York's "OpenData" website. Specifically, the document shows the first 14 columns of "Incident Level Arrest Data" returned for the "LAW_CODE" of "PL 2650101" (i.e. Penal Law §265.01(1)) for the period beginning at 12:00 a.m. on January 1, 2023 and ending at 12:00 a.m. on January 1, 2024. Pertinently, the document contains 2,229 entries, reflecting 2,229 arrests for charges of violating Penal Law §265.01(1).

4. Exhibit 2 is a document that shows data obtained from the City of New York’s “OpenData” website. Specifically, the document shows the first 14 columns of “Incident Level Arrest Data” returned for the “LAW_CODE” of “PL 2650101” (i.e. Penal Law §265.01(1)) for the period beginning at 12:00 a.m. on January 1, 2022 and ending at 12:00 a.m. on January 1, 2023. Pertinently, the document contains 1,552 entries, reflecting 1,552 arrests for charges of violating Penal Law §265.01(1).

5. Exhibit 3 is a document that shows data obtained from the City of New York’s “OpenData” website. Specifically, the document shows the first 14 columns of “Incident Level Arrest Data” returned for the “LAW_CODE” of “PL 2650101” (i.e. Penal Law §265.01(1)) for the period beginning at 12:00 a.m. on January 1, 2021 and ending at 12:00 a.m. on January 1, 2022. Pertinently, the document contains 1,307 entries, reflecting 1,307 arrests for charges of violating Penal Law §265.01(1).

6. Exhibit 4 is Defendants’ response to Plaintiffs’ interrogatories and requests for production, excluding documents attached to the response.

7. Exhibit 5 is an extraction from the NYPD Police Student Guide that addresses weapons, which Defendants produced in discovery in response to Plaintiffs’ request for production seeking (¶ 1) “All training materials that pertain to or address Stun Guns and/or Tasers, which have been used at any point from January 1, 2017 to present.” Exhibit 4 is Defendants’ response that identifies this document.

8. Exhibit 6 is the Bill Jacket for Chapter 217 of the 1976 New York Laws.

9. Exhibit 7 is the Bill Jacket for Chapter 264 of the 1990 New York Laws.

10. Exhibit 8 is an article published in the New York Times on April 28, 1985 entitled, "Defensive Use of Stun Guns Increases."

I affirm all of the foregoing statements under penalty of perjury under the laws of the United States of America.

Dated: March 1, 2024

/s/ David D. Jensen

David D. Jensen